

June 17, 2014

The Honorable Barbara Mikulski
Chairwoman
Committee on Appropriations
The Capitol, Room S-128
Washington, DC 20510

The Honorable Richard C. Shelby
Vice Chairman
Committee on Appropriations
The Capitol, Room S-146A
Washington, DC 20510

The Honorable Patty Murray
Chairwoman
Committee on Appropriations
Subcommittee on Transportation, Housing &
Urban Development and Related Agencies

The Honorable Susan Collins
Ranking Member
Committee on Appropriations
Subcommittee on Transportation, Housing &
Urban Development and Related Agencies

RE: Federal Hours of Service Amendment for Commercial Truck Drivers

Dear Senators Mikulski, Shelby, Murray, and Collins

I have spent more than 22 years in public safety. I served over 18 years in the Washington State Patrol, 6 as Chief of that organization. I was also the 2nd Administrator of the Federal Motor Carrier Safety Administration. I understand first-hand the tragic consequences of traffic crashes on our nation's highways. Having worked in traffic safety for my entire life, I also understand how often individual crashes can be the improper launching point for bad public policy.

The fact is, the Senate Transportation, Housing and Urban Development, and Related Agencies bill, which contains a temporary suspension of two new provisions in the 34-hour restart rule, makes the roads safer. To imply that these changes had anything to do with crash in New Jersey is political opportunism at its worst. Any driver who gets behind the wheel while tired or otherwise impaired is breaking the law. If the driver failed to use his minimum of 10 hours per day of off-duty time to get rest, then it is his poor choices that led to the crash.

Having worked in traffic safety for over 22 years, I can say without a doubt that the trucking industry and trucking industry leaders care about safety. The nation's trucking industry has dedicated itself to the goal of safely delivering America's freight. From 2003 to 2012, truck-involved highway fatalities plummeted 22% even as trucks drove an additional 50 billion more miles.

Then, in 2013 under political pressure, the agency charged with regulating the trucking industry imposed changes to the federal hours-of-service rules. The hours-of-service rules are the foundational regulations for the trucking industry – these rules define schedules and deliveries and do a great deal to keep the nation's truck drivers and the motoring public safe.

The trucking industry supports nearly all of the 2013 amended rules. The trucking industry supports the limits on daily driving and weekly work. The industry also supports the mandatory 30-minute rest break drivers must take during their shifts as well as the 10-hour mandatory off-duty period they must take after

their shifts. I am well aware of the many nuances of these rules - since I was Administrator when the last significant changes to these rules were made.

In fact, the trucking industry has publicly supported the use of what is called the restart, which allows a driver to reset their workweek by taking 34 consecutive hours off. This was a significant change I made to the rules when they were rewritten in 2003. The idea behind this provision was to allow drivers to reset their workweek clock and reduce cumulative fatigue by providing for 2 full "off-duty" periods.

Many in the industry also want drivers to have the flexibility to use this 34 hour restart to rest, which is why industry leaders support the bipartisan majority of the Senate Appropriations Committee to suspend restrictions on the use of the restart that raise the risk of truck crashes so that the effects of these changes can be studied.

The restrictions in the 2013 Hours of Service rule prevent drivers from using the restart more than once a week and require the restart time to include two periods between 1am and 5am. This change as imposed by the Federal Motor Carrier Safety Administration was done without the benefit of proper scientific research, and is hurting highway safety - as well as the economy.

The practical effect of these restrictions, an effect the current head of the FMCSA has called "unintended," is to push more truck traffic onto the highways at 5:01am - or when America's commuters are hitting the road to go to work or when children are heading to school. These early morning hours are the riskiest time of day for trucks be on the road: a truck driving between midnight and 3am is a third less likely to be involved in a crash as one traveling between 6am and 9am.

Suspending these changes - while keeping the remaining hours-of-service rules in tact - in order to fully study the impact of shifting more truck traffic to daylight hours- is a common sense solution to this problem.

However, as with many things in Washington, common sense and a practical approach are not a welcome participants in the proceedings. Recent high-profile truck-involved crashes have been seized on by industry critics, including the Teamsters union, as a reason to not only keep the current risk-raising restart restrictions, but to accuse trucking industry leaders of trying to roll back the entire hours-of-service rules. Current evidence from this crash indicates the cause of this crash had nothing to do with the provisions being addressed in Senator Collins' amendment.

This is political opportunism of the worst kind and it is unseemly as it is shameless. The trucking industry has supported suspending the restart restrictions because they believe that good public policy comes from good data and a good understanding of the facts, not from emotional appeals. I can tell you having been a regulator - that is what should be demanded of any regulatory action taken by the government.

And the fact is, while an important issue to address, fatigue is not the number one issue in truck safety. Truck driver fatigue is listed as a cause in less than 2% of truck crashes, but due to underreporting in the wake of these tragedies, the true figure is probably between 6% and 8%. Excess speed. Distracted driving. Aggressive driving. These are all more important highway safety issues that are not being addressed fast enough by the government.

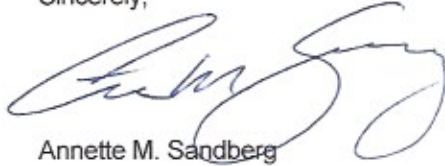
To combat these, trucking industry leaders have called on the Department of Transportation to require all trucks to have their speed electronically limited, and for the establishment of a national speed limit of 65 miles per hour for all vehicles. Additionally, the trucking industry has urged the enactment of bans on texting and requirements for the use of hands-free cell phones. It has been the trucking industry that has pushed FMCSA and their partners in law enforcement to spend more time aggressively cracking down on unsafe and illegal driving by both large trucks and the cars they share the road with. However, to date little progress has been made in this area. Requirements for speed governors and electronic logging devices languish at the agency despite the industry's plea for smart, data-driven regulations.

During my tenure and even since I have found that the trucking industry believes that every crash on our highways -regardless of cause - is a tragedy. But to work toward a goal of reducing crashes, we must

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force the government and regulators to use good data and good facts. Public policy should not be based solely on emotion. I want you to know I fully support Senator Collins and the 20 other Senators that voted for common sense reform to the hours-of-service rule because they have demanded public policy be driven by good data, which is a demand all Americans should join them in.

Sincerely,

A handwritten signature in blue ink, appearing to read "Annette M. Sandberg", with a large, stylized flourish at the end.

Annette M. Sandberg